

FORM 32. Response to Notice to Advise of Scheduling Conflicts

Form 32  
March 2023

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

## RESPONSE TO NOTICE TO ADVISE OF SCHEDULING CONFLICTS

Case Number: 23-1891

Short Case Caption: HMTX Industries LLC v. US

Party Name(s): United States; Office of the United States Trade Represent<sup>+</sup>

**INFORMATION:** The court uses this form to determine whether and when to schedule cases for oral argument. Arguing counsel may be changed later, but a motion to reschedule is required once the court schedules argument. Please plan in advance to adhere to the limit on the number of arguing counsel in Fed. Cir. R. 34(e).

**Argument Waiver**    ☐ My party intends to waive oral argument.

NOTE: Filers checking this box must still complete the below sections. **The court may still schedule this case for oral argument even if any party intends to waive argument.** If scheduled, parties may still elect to waive argument using the response to notice of oral argument form.

### **Other Parties Representing Interests**

☐ Counsel for another party will represent my party's interests at oral argument

NOTE: If this box is checked, skip the remaining sections. Any argument date will be selected based on conflict dates for counsel arguing on behalf of your party.

<b>Name of Expected Arguing Counsel</b>	Emma E. Bond
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### **Dates Unavailable**

Do you have dates of unavailability within the specific sessions identified by the court's Notice to Advise of Scheduling Conflicts in your case?

☒ Yes                      ☐ No

If yes, attach a separate sheet listing **up to ten dates** of unavailability and **include a statement showing good cause for each date.** Dates without good cause or that do not pertain to arguing counsel (e.g., client conflicts) will not be accepted. The court will only accept dates for one counsel and only if that counsel has filed an entry of appearance. The Clerk's Office will evaluate and note accepted or rejected conflict dates; counsel may contact the Clerk's Office about re-filing if dates are rejected. *See* Fed. Cir. R. 34(d); Practice Notes to Rule 34.

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**Potential Case Conflicts**

Are there other pending cases before this court (regardless of case status) in which expected arguing counsel in this case also expects to argue?

☒ Yes ☐ No

If yes, attach a separate sheet listing those cases.

I certify the above information and any attached statement is complete and accurate. I further certify that I will update my notice should new conflicts arise or existing conflicts change.

Date: 04/26/2024

Signature: /s/ Emma E. Bond

Name: Emma E. Bond

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

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HMTX INDUSTRIES, LLC, HALSTEAD NEW ENGLAND CORP.,  
METROFLOR CORPORATION, JASCO PRODUCTS COMPANY LLC,  
Plaintiff-Appellants,

v.

UNITED STATES, OFFICE OF THE UNITED STATES TRADE  
REPRESENTATIVE, KATHERINE TAI, U.S. TRADE REPRESENTATIVE,  
UNITED STATES CUSTOMS AND BORDER PROTECTION, TROY MILLER,  
ACTING COMMISSIONER OF U.S. CUSTOMS AND BORDER  
PROTECTION,  
Defendants-Appellees.

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2023-1891

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DEFENDANT-APPELLEES' STATEMENT OF GOOD CAUSE  
FOR SCHEDULING CONFLICTS

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Counsel of record for defendant-appellees in the above-captioned appeal will be unavailable for oral argument on July 9, 2024, due to an oral argument scheduled for 10:30 AM in the Court of Federal Claims, in *Repeat Consultants International v. United States*, Fed. Cl. No. 24-619C. Defendant-appellees respectfully request that oral argument not be scheduled on July 9, 2024.

Potential Case Conflicts

Below is a list of cases pending before this Court in which expected arguing counsel in this case also expects to argue:

*Amezquita v. McDonough*, Fed. Cir. No. 23-1975

*Guizhou Tyre Co., Ltd. v. United States*, Fed. Cir. No. 23-2163

*Kendall v. McDonough*, Fed. Cir. No. 24-1230

*Shaw v. McDonough*, Fed. Cir. No. 24-1070

*Smith v. McDonough*, Fed. Cir. No. 23-1378

*Hamill v. McDonough*, Fed. Cir. No. 23-1543

*Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi v. United States*, Fed. Cir.

No. 24-1158

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy  
Assistant Attorney General

PATRICIA M. McCARTHY  
Director

/s/L. Misha Preheim  
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April 26, 2024

Attorneys for Defendant-Appellees